



2 October 2017

RE: Response to Practices of Domain Name Registrars

Steven Klock
Via Email

Dear Steven Klock,

Thank you for your submission regarding the practices of domain name registrars, and for your request that the ICANN organization (all subsequent uses of "ICANN" refer to the ICANN organization) take action. I appreciate the concern this has caused you and your wife and understand your request. I've researched this issue with various departments inside the ICANN organization and worked with the Contractual Compliance to provide you with this response.

In your complaint, you stated that after purchasing a domain name, you became aware that adult-content related advertising was being served from your domain name. When you called your service provider they explained that they use an algorithm to set up parking pages and that to make a change you needed to adjust your account settings. I understand your complaint to be regarding the four following registrar behaviors:

1. Advertising – registrars serving up advertising of their choosing on their customers domain name pages.
2. Pricing – registrars selling different domain names for different prices.
3. Domain Acquisition – registrars buying domain names that have been searched for availability by prospective buyers/customers.
4. Unused Domain Names – registrants and registrars holding on to registered domain names they have no intent of using.

Therefore, you are asking ICANN to take action on the practices of registrars.

ICANN is not a governmental agency but instead a private sector, non-profit organization with limited technical responsibility for coordinating the assignment of Internet domain names and IP addresses. This coordination is provided using a bottom-up, consensus-driven, multi-stakeholder model comprised of three parts: [the ICANN Community](#), [the ICANN Board](#), and [the ICANN Organization](#). The ICANN community is a volunteer-based group of diverse stakeholders from across the world. They work together to give advice and develop policy within ICANN's mission. In order to create new policies or amend existing ones, the [Policy Development Process](#) described in [ICANN's Bylaws](#) must be utilized and driven by the ICANN community. The ICANN Board is a group of representatives from the ICANN community that oversees the ICANN organization. The ICANN organization provides staff and resources to support the ICANN community and Board, and implements policies developed by the community.

ICANN accredits registrars and registries to provide certain domain name registration services. ICANN's authority is purely contractual, and limited to [registrar agreements](#), [registry agreements](#), and [ICANN community developed policies](#). The agreements between ICANN and

registrars and registries outline certain responsibilities for both ICANN, the registrar and the registry. ICANN is responsible for overseeing and enforcing the contracts.

Following my research and internal discussions, I see the registered name holder in the public Whois for the domain name is WHOIS PRIVACY PROTECTION SERVICE, INC., indicating you are not the registrant and have likely contracted with a proxy registration service for the right to use the domain name. Depending on your specific circumstances, it could be any number of providers who were responsible for serving up ads from the domain name you provided, including but not limited to: the ICANN accredited registrar, the domain name reseller if you used one, the proxy registration service provider, the Internet service provider, the domain name service provider, etc. Of these possibilities, the only provider type that would have a contract with ICANN is the accredited registrar.

ICANN is responsible for enforcing all obligations in its agreements and policies with its contracted parties – ICANN accredited registrars and registries. ICANN does not have authority over issues arising with non-contracted parties or issues that are not in contravention of an ICANN contract or policy. For situations where a registrar is believed to not be following one or more provisions of its contract, it should be reported to ICANN’s Contractual Compliance department to be evaluated. Once reported to Contractual Compliance, the team will research the facts and if they find the registrar is in contravention of its contract, ICANN will enforce the terms of the agreement and policies to the fullest extent and within our ability. To submit a report to Contractual Compliance, please select and submit the appropriate form at <https://www.icann.org/compliance/complaint>.

In addition to this possibly being a Contractual Compliance matter, if you have a customer service issue with your registrar or other service providers you should work with them to resolve it. In situations where a registrar or other service provider’s performance cannot be resolved with that entity, it can sometimes be addressed by private-sector agencies involved in addressing customer service related issues. Private sector agencies to consider are the Better Business Bureau at <http://www.bbb.org/>, or the International Consumer Protection and Enforcement Network <http://www.icpen.org/>. If you believe your complaint concerns an illegal matter, please contact the appropriate law enforcement agency, which will vary depending on jurisdiction, or you may consult an attorney for legal advice. Lastly, as you may be aware—you are free to use the registrar of your choosing and base your selection on the criteria that is important to you. For a list of all ICANN accredited registrars, please see: <https://www.icann.org/registrar-reports/accredited-list.html>.

ICANN's fundamental belief is that all users of the domain name system deserve a say in how it is run. Participating in ICANN provides the opportunity to share your thoughts and concerns regarding current and future policies and contracts with registrars and registries, among other things. I encourage you to consider contributing in the ICANN community. If you’re interested in learning more about how to participate, you can review the “[About ICANN](#)” section of our website. You may also want to think about reviewing and commenting on proposals through our [Public Comment Forums](#), or attending an [ICANN Meeting](#) in person or remotely.

Thank you again for your submission regarding the practices of registrars. As explained above, you should submit issue(s), and accompanying evidence, where a contracted party is not following their agreement to ICANN Contractual Compliance for review. If it is determined the registrar is in contravention of an ICANN contract or policy, ICANN Contractual Compliance will address the matter with the registrar. If your issue(s) are not in contravention of an ICANN contract or policy, then please consider the options provided above. If, after working with Contractual Compliance, you still have a complaint regarding the ICANN organization – please let me know and I will follow up from there.

I hope this information was useful to you and I encourage you to participate in the ICANN model.

Kind regards,

Krista Papac
Complaints Officer